

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER COOK,
Plaintiff,

-against-

EAGLEPICHER TECHNOLOGIES, LLC, *et*
al.,
Defendants.

22-cv-01893 (RA)(SB)

CASE MANAGEMENT PLAN
AND SCHEDULING ORDER

RONNIE ABRAMS, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order:

1. All parties [consent ____ / do not consent X] to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. [*If all parties consent, the remainder of the Order need not be completed at this time.*]
2. The parties [have ____ / have not X] engaged in settlement discussions.
3. This case [is ____ / is not X] to be tried to a jury.
4. No additional parties may be joined after 30 days after the Court rules on the pending motion to dismiss without leave of the Court.
5. No amendments to the pleadings may be made after 30 days after the Court rules on the pending motion to dismiss without leave of the Court.

6. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than June 17, 2022. *[Absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f).]* Plaintiff proposes this date because Plaintiff's counsel will begin a multi-day arbitration at the beginning of June 2022. Defendant has no objection.
7. All fact discovery is to be completed no later than 120 days after the Court rules on the pending motion to dismiss. *[A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances.]*
8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 7 above.
 - a. Initial requests for production of documents shall be served no later than 21 days after the Court rules on the pending motion to dismiss.
 - b. Interrogatories pursuant to Local Civil Rule 33.3(a) shall be served no later than 21 days after the Court rules on the pending motion to dismiss.
 - c. Depositions shall be completed no later than 110 days after the Court rules on the pending motion to dismiss.
 - d. Requests to Admit shall be served no later than 90 days after the Court rules on the pending motion to dismiss.
9. All expert discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed by_____ *[The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.]*

The Parties do not anticipate any expert discovery.
10. All discovery shall be completed no later than 120 days after the Court rules on the pending motion to dismiss.

11. The Court will conduct a post-discovery conference on _____ at _____. [To be completed by the Court.] No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.
12. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready sixty (60) days from the close of discovery or the Court's decision on any dispositive motion.
13. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
 - a. _____ Referral to a Magistrate Judge for settlement discussions.
 - b. _____ Referral to the Southern District's Mediation Program. *[Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., are designated for automatic referral to the Court's Alternative Dispute Resolution program of mediation.² Accordingly, counsel in such cases should select 13(b).]*
 - c. _____ Retention of a private mediator.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

14. The parties have conferred and their present best estimate of the length is 2-3 days.

SO ORDERED.

Dated: _____
New York, New York

Ronnie Abrams
United States District Judge